

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DAX RYAN TERRY,  
Defendant.

Case No. 2:18-cr-00072-APG-NJK

## **PROPOSED ORDER**

(Docket No. 47)

Having considered the Defendant's Motion for Competency Examination of the Defendant, the Court finds that there is reasonable cause to believe that the Defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or assist properly in his defense. The Court therefore GRANTS the motion.

Accordingly, pursuant to 18 USC § 4241(a), the Defendant shall be evaluated to determine if he's competent. Specifically, he shall be evaluated to determine if he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense.

IT IS THEREFORE ORDERED pursuant to 18 U.S.C. § 4241(a) that the Defendant shall be examined pursuant to 18 U.S.C. § 4247(b) to determine the competency of the Defendant to stand trial.

IT IS FURTHER ORDERED that the examination shall be conducted at MCC San Diego, unless that is impractical, and in that event shall be conducted in a suitable BOP facility closest to this Court.

IT IS FURTHER ORDERED that the examination will be conducted pursuant to the time provisions outlined in 18 U.S.C. § 4247(b), and that upon completion of the examination, the examiners will prepare and file with the Court, with a copy to Defense counsel

1 Monique Kirtley and Government counsel Christopher Burton, the written report as described  
2 in 18 U.S.C. § 4247 (b), (c), and (e), the examiners' opinion as to whether the Defendant is  
3 suffering from a mental disease or defect rendering the Defendant mentally incompetent to the  
4 extent that the Defendant is unable to understand the nature and consequences of the  
5 proceedings against him or to assist properly in his defense.

6 IT IS FURTHER ORDERED that upon completion and filing of said reports with the  
7 Court, that the Defendant be returned to this Court for a hearing pursuant to the provisions of  
8 law.

9 DATED: July 24, 2019.

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11 NANCY J. KOPPE  
12 UNITED STATES MAGISTRATE JUDGE